

ATTACHMENT 1

SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS SECOND AMENDMENT is made and entered into this ____ day of March, 2004 (“Effective Date”), by and between the CITY OF COSTA MESA, a municipal corporation (the “City”) and SWCA Environmental Services, Inc., an Arizona corporation (“Consultant”). City and Consultant are individually referred to herein as a “Party” and collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, the Parties have previously entered into a Professional Services Agreement dated October 1, 2003 (the “Agreement”) and an Amendment to the Professional Services Agreement dated November 10, 2003 (the “First Amendment”); and

WHEREAS, the Agreement provided that its term end on April 15, 2004; and

WHEREAS, the Agreement provided that Consultant’s compensation not exceed Twenty-Four Thousand Nine Hundred Seventeen Dollars (\$24,917.00); and

WHEREAS, the Parties wish to extend the term of the Agreement; and

WHEREAS, the Parties wish to increase Consultant’s compensation under the Agreement.

NOW, THEREFORE, for valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties hereby amend the Agreement as follows:

1. Paragraph 2.1 of the Agreement is hereby amended as follows:

Consultant’s compensation shall in no case exceed Thirty Thousand Nine Hundred Seventeen Dollars (\$30,917.00).

2. Paragraph 4.1 of the Agreement is hereby amended and replaced as follows:

This Agreement shall commence on the Effective Date and end on July 15, 2004, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

3. All other provisions of the Agreement and the First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, each of the Parties has executed this Amendment on the dates shown below.

CITY OF COSTA MESA

CONSULTANT

By: _____
Mayor of the City of Costa Mesa

Signature

Date: _____

Print Name and Title

Date

ATTEST:

Deputy City Clerk and ex-officio Clerk
of the City of Costa Mesa

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

City Attorney, City of Costa Mesa

Project Manager